

REMARKS

Claims 1-24 are pending in the present application, and were rejected. The rejection of these claims is respectfully traversed. Claims 1, 6, 11, and 16 have been amended to recite state attributes which comprise XML format attributes, which was previously recited in Claims 4, 9, 14, and 19, respectively. Claims 4, 9, 14, and 19 have been amended to recite "XML nodes." Claims 15 and 20 have been amended to recite "nodes." No new matter is added by these amendments. Claims 1-24 remain pending.

I. 35 U.S.C. § 102 Anticipation Rejections of Claims

In the outstanding Office Action, Claims 1-3, 5-8, 10-13, and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by Bunnell (U.S. Patent No. 6,119,122). Applicants respectfully traverse this rejection.

Claim 1 recites a method for managing a plurality of nodes in a layered hierarchically organized database stored in a server on a computer network comprising accessing a subset of said nodes in response to a client request; modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request; and managing said nodes using said state attributes, wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute.

Applicants respectfully submit that the current 35 U.S.C. § 102(e) rejection to Claim 1 is not applicable because the claim recites "wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute," and the Examiner states that Bunnell

does not explicitly disclose “wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute.” (Office Action, p. 4).

II. 35 U.S.C. § 103 Obviousness Rejections of Claims

Claims 4, 9, 14, 19, and 21-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunnell, and further in view of Morgenstern (U.S. Patent No. 5,970,490). Applicants respectfully traverse this rejection.

According to the Examiner (in rejecting previously recited Claim 4), “each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute” is not disclosed by Bunnell, but Morgenstern discloses the use of XML at col. 45, lines 28-37 and at col. 46, lines 1-5. According to the Examiner, “It would have been obvious to the ordinary skilled artisan at the time of the invention to use the XML and the motivation would be to extend and eventually supersede HTML.” The Examiner, however, provides no explanation of how extending and eventually superseding HTML relates to the “state attributes” recited by Claim 1, which the Examiner asserts are disclosed by Bunnell. The only mention of HTML by Bunnell refers to a user interface 70 presented as an applet within an HTML document and displayed with an HTML browser, at col. 10, lines 46-55. However, the HTML document and HTML browser are used for display (See Fig. 5; col. 10, lines 48-49). Nowhere in Bunnell does it state that the “attributes” as cited by the Examiner in rejecting the claims are HTML attributes. As such, the Examiner’s stated motivation to “extend and eventually supersede HTML” combined with Bunnell would not teach or suggest “state attributes compris[ing] an eXtensible Markup Language (XML) format attribute.” Further, Applicants respectfully submit that there is no mention or suggestion of modifying state attributes associated with nodes in a layered

hierarchically organized database in Bunnell. Thus, Applicants respectfully submit that the features recited by Claim 1 are neither suggested nor disclosed by either of Bunnell or Morgenstern individually, nor by any reasonable combination thereof. Therefore, Applicants respectfully request that the rejection of Claim 1 be withdrawn. With respect to Claims 2-5, these claims depend from Claim 1, and are therefore patentable, at least for the same reason.


For reasons stated above with respect to Claim 1, Applicants submit that the rejection of independent Claims 6, 11, and 16 should be withdrawn. With respect to Claims 7-10, 12-15, 17-20, and 21-24, these claims depend from Claims 6, 11, and 16, respectively, and are therefore patentable, at least for the same reason.

III. Conclusion

In view of the foregoing comments, Applicants respectfully submit that the present amendment places the above-referenced application in condition for allowance, and thus, a swift allowance is respectfully requested so that the application may swiftly pass to issue.

Respectfully submitted,

Dated: December 8, 2003

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